

REMARKS/ARGUMENTS

Claims 1-8, 28-38, and 40-41 are pending. Claims 9-11 and 39 are withdrawn from consideration.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-8, 28-29, 35-38, and 40-41 as being made obvious by U.S. Patent No. 6,196,155 to Setoyama et al. in view of U.S. Patent No. 5,855,725 to Sakai and further in view of U.S. Patent 5,444,207 to Sekine et al. It would not be obvious to combine Setoyama, Sakai, and Sekine to provide the invention as recited in independent claims 1 and 28. It would not be obvious to provide the rotating magnets of Sekine into Setoyama.

Ex parte Clapp (227 USPQ 972) states that “To support the conclusion that the claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed combination or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the reference” Nothing in the cited references suggests either expressly or impliedly that magnets rotated around an axis passing through the magnet should be used in the apparatus as taught in Setoyama. The Examiner states that such rotated magnets allow the rotation of the magnetic field without changing the respective positions of the magnetic elements. However, none of the references state or suggest that this would be desirable in Setoyama and therefore fail to provide a convincing line of reasoning why this would be obvious to in view of the cited references, as required by *Ex parte Clapp*.

In addition, *In re Vaeck* (20 USPQ2nd 1438) states that “Where claimed subject matter has been rejected as obvious in view of a combination of prior art references, a proper analysis under § 103 requires, inter alia, consideration of two factors: (1) whether the prior art would have suggested to those of ordinary skill in the art that they should make the claimed composition or device, or carry out the claimed process; and (2) whether the prior art would also have revealed that in so making or carrying out, those of ordinary skill would have reasonable expectation of success.” Nothing in the cited references provides that the recited combinations would cause one of ordinary skill in the art to have a reasonable expectation of success, as required by *In re Vaeck*. Nothing in the cited references suggests that rotation of magnets about axes passing through the magnets would provide the cleaning described in

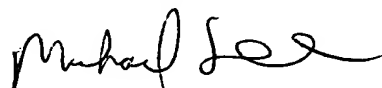
Setoyama. The Examiner failed to point to anything in the cited references that shows that there is an expectation of success.

In addition, col. 7, lines 52 to 65, of Setoyama teaches that curved bar magnets 25 are used when sidewalls are not cylindrical but domed. This is because for cylindrical embodiments the configurations in the previous embodiments are preferred. However, for a dome shape, such embodiments cannot be used, so the curved bar magnets 25 are used. It would be difficult to rotate such curved bar magnets around axes passing through the magnets. Sakai and Sekine use cylindrical chambers. It would not be obvious to apply the teachings of Sakai and Sekine to the dome shaped configuration of Setoyama, since the dome shape configuration of Setoyama is specifically for non-cylindrical chambers, and Setoyama teaches the use of other magnet configurations using ring magnets when a cylindrical chamber is used. For at least these reasons, claims 1 and 28 are not made obvious by Setoyama in view of Sakai and in further view of Sekine.

Claims 2-8, 29-38, and 40-41 are ultimately dependent on claims 1 or 28, and are therefore respectfully submitted to be patentable over the art of record for at least the reasons set forth above with respect to claims 1 and 28. For at least these reasons, claims 2-8, 29-38, and 40-41, as amended, are not disclosed or made obvious by the cited references.

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



Michael Lee
Registration No. 31,846

P.O. Box 778
Berkeley, CA 94704-0778
(831) 655-2300